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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,854	12/29/2003	Russell F. McKnight	P1506US01	2761
24333	7590	10/10/2007		
GATEWAY, INC. ATTN: Patent Attorney 610 GATEWAY DRIVE MAIL DROP Y-04 N. SIOUX CITY, SD 57049			EXAMINER ALVESTEFFER, STEPHEN D	
			ART UNIT 2173	PAPER NUMBER
			MAIL DATE 10/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/747,854

Applicant(s)

MCKNIGHT ET AL.

Examiner

Stephen Alvesteffer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

This Office Action is responsive to an amendment filed July 2, 2007. This application is a continuation of application number 09/415,656, issued as patent number 6,670,974. Claims 1-47 are presented for examination. Claims 11-20 and 41 are amended. Claims 1, 11, 21, 31, and 41 are independent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 10-17, 20-27, 30-37, and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Hocker et al. (hereinafter Hocker), United States Patent number 5,943,678.

Regarding claim 1, Hocker teaches a method of generating a persistent usage context, comprising monitoring usage (see column 3 lines 34-44; "*The VTT settings may be also be automatically determined by VTT software based on a user's past usage*", in order for a user's past usage to be used, the user's past usage must inherently be monitored) of an information handling system (see column 2 lines 25-40; "*The present*

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invention is capable of running on any general purpose computer system or computer controlled GUI", a general purpose computer system is equivalent to an information handling system); generating a first representation (see column 5 lines 1-8; "The time-varying data may be presented in the viewscreen 410 in several ways. In one embodiment, the data is presented as a "movie" or "slideshow", with the passage of time into the past or future represented graphically in the control area 440. The user can control the speed and direction of the presentation, as well as pause the presentation to examine any particular frame using standard play/pause/forward/reverse graphical icons 480") corresponding to a first item of usage (see column 1 lines 32-49; "by use of software that manages various file versions, for example the IBM High Performance Optical File System (HPOFS) with a novel GUI interface, access can now be gained to versions of functions, applications, databases, displayed information, files, etc. HPOFS stores versions of files, such as databases and application outputs, on write-once (WORM) optical media. A derivative of this file system could also be applied to Compact-Disk Recordable (CD-R) media, which is also write once. Write-once media cannot be overwritten, which makes it ideal for retaining unalterable versions of files", because the storage medium is write-once, all system activity and file changes (i.e. "usage") are stored permanently); generating a second representation corresponding to a second item of usage (see column 5 lines 1-8 and column 1 lines 32-49; Hocker teaches generating a plurality of representations corresponding to a plurality of items of usage); communicating an association of the first representation to the second representation so as to enable a determination of at least one of prior usage and current

usage of an information handling system (see column 5 lines 9-32; *"the viewscreen represents a tunnel in perspective in which time is represented along the length of the tunnel. Snapshots of data to be represented are visible in panels along the walls of the tunnel, analogous to paintings hanging in a long hallway. The user can control apparent motion back and forth through the tunnel, and can stop and click on any panel to view it in detail. The relative time may be represented by wall color, perhaps green for current time, red for future time, and grey for the past"*, representations of prior and current data are associated with each other by time).

Regarding claim 2, Hocker teaches storing the first representation and second representation (see Abstract lines 7-9).

Regarding claim 3, Hocker teaches that at least one of the first stored representation and second representation may be accessed after termination of at least one of the first item of usage and the second item of usage (see column 1 lines 55-57).

Regarding claim 4, Hocker teaches that at least one of the first representation and second representation is capable of accessing at least one of a first item of usage and second item of usage (see column 2 lines 45-50).

Regarding claim 5, Hocker teaches that at least one of the first representation and second representation is interactive with at least one of the first item of usage and the second item of usage. In Hocker, when an icon representing a usage is dragged to the VTT icon, the prior usage is shown (see column 2 lines 45-50). The act of dragging the representation to show usage makes the representation interactive with the usage.

Regarding claim 6, Hocker teaches that the first representation includes as a part thereof the second representation. In Hocker's Virtual Time Tunnel, users can see several representations of the data displayed together along the walls of the tunnel (see column 5 lines 9-32).

Regarding claim 7, Hocker teaches that the association includes at least one of chronological mapping, organization scheme, spatial relationship, shared usage, and term of usage (see column 5 lines 9-32). The virtual time tunnel (VTT) of Hocker shows a chronological mapping.

Regarding claim 10, Hocker teaches that at least one of the first item of usage and second item of usage includes at least one of browsing the World Wide Web, printing, scanning for viruses, word processing, utilizing spreadsheets, utilizing a database, enabling an operating system, accessing a network, network applications, graphics usage, utilization of devices, and data manipulation. Hocker's invention keeps track of the usage of files, applications, and databases (see Abstract lines 8-9).

Claims 11-17 and 20 recite a medium that performs substantially the same steps as the method of claims 1-7 and 10. Therefore, claims 11-17 and 20 are rejected under the same rationale.

Claims 21-27 and 30 recite an information handling system that performs substantially the same steps as the method of claims 1-7 and 10. Therefore, claims 21-27 and 30 are rejected under the same rationale.

Claims 33-37 and 40 recite an information handling system that performs substantially the same steps as the method of claims 1-7 and 10. Therefore, claims 31-37 and 40 are rejected under the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-9, 18-19, 28-29, and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hocker (5,943,678) *supra* and Schwartz et al. (hereinafter Schwartz), United States Patent number 5,047,918.

Hocker teaches all the elements of claim 8, but is silent on the subject of searching the data. Schwartz teaches the step of searching data relating to at least one of the first representation (first data file) and second representation (second data file) (see Abstract lines 5-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Schwartz' teachings on searching data with the invention of Hocker in order to provide users with capability to search the data.

Hocker teaches all the elements of claim 9, but is silent on the subject of searching the data. Schwartz teaches that the search is performed by at least one of type, topic, size, time taken for usage, time usage performed, user defined criteria, and name (see column 5 lines 16-20). It would have been obvious to one of ordinary skill at

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the time the invention was made to combine Schwartz' teachings on searching data with the invention of Hocker in order to provide users with capability to search the data.

Claims 18-19 recite a program of instructions that perform substantially the same steps as the method of claims 8-9. Therefore, claims 18-19 are rejected under the same rationale.

Claims 28-29 recite an information handling system that performs substantially the same steps as the method of claims 8-9. Therefore, claims 28-29 are rejected under the same rationale.

Claims 38-39 recite an information handling system that performs substantially the same steps as the method of claims 8-9. Therefore, claims 38-39 are rejected under the same rationale.

Claims 41-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauersfeld et al. (hereinafter Bauersfeld), United States Patent number 6,195,679, and DeStefano, United States Patent number 6,075,531.

Regarding claim 41, Bauersfeld teaches a method of generating a persistent usage context, comprising monitoring navigation of a first resource during a first navigation session to obtain navigation data (see Bauersfeld column 1 line 66 through column 2 line 7; *"The invention provides a session navigation and recording system. The invention uses an easily configured session recording system that automatically records all of the web pages that the user visits during a session and organizes them into paths"*); storing navigation data pertaining to the first navigation session (see

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Bauersfeld column 1 lines 9-13; *"the invention relates to the recording and storing of user navigational paths and tasks for network browsers and computer programs in a computer environment"*); initiating a second navigation session of at least one of the first resource and a second resource (see Bauersfeld column 2 lines 13-18; *"The user navigates through the saved session paths using a session history toolbar. The toolbar allows the user to navigate through any selected session path and provides controls for backward, forward, pause, and record commands"*); and loading stored data in at least one of the first resource and second resource during the second navigation session so as to enable the utilization of stored first navigation data during the second navigation session (see Bauersfeld column 2 lines 13-18). However, Bauersfeld does not teach generating a pop-up menu containing a plurality of selections, each selection representing a particular context pertaining to a relevant time of usage. Bauersfeld teaches making such a selection using a toolbar (see Bauersfeld column 2 lines 13-18; *"The toolbar allows the user to navigate through any selected session path and provides controls for backward, forward, pause, and record commands"*). DeStefano teaches that a pop-up menu may be used for selecting items in the same way that a toolbar can be used for selecting items as a matter of design choice (see DeStefano column 7 lines 11-21; *"Selection of one of the three pointer modes may be performed in any number of manners known in the art. For example, selection of a mode may be performed via pull-down or pop-up menus, via check boxes or radio buttons, via toolbar buttons, or by using specific keystroke and/or mouse button combinations"*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a

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pop-up menu as taught by DeStefano instead of a toolbar as taught by Bauersfeld for selecting a context as a matter of design choice. One might have been motivated to use a pop-up menu instead of a toolbar to make the user interface easier to navigate.

Regarding claim 42, Bauersfeld teaches that at least one of the first resource and the second resource includes at least one of a web browser (network browser) and operating system (see column 1 lines 9-10).

Regarding claim 43, Bauersfeld teaches that the utilization of the stored first navigation data during the second navigation session includes at least one of a forward and backward button (see column 3 lines 51-59).

Regarding claim 44, Bauersfeld teaches that the storing step includes storing the first navigation data in a format (see column 3 lines 66-67) so as to be capable of being selectively accessed (see column 4 line 5).

Regarding claim 45, Bauersfeld teaches that the storing step includes a user defined identification (see column 3 lines 60-65).

Regarding claim 46, Bauersfeld teaches that the stored first navigation data includes the utilization of navigation functions of at least one of the first resource and second resource (see column 3 lines 51-59 and Figure 6).

Regarding claim 47, Bauersfeld teaches that the navigation functions include at least one of forward button, a backward button, a favorites list, a bookmark, and a history list of resources accessed (see column 3 lines 51-59 and Figure 6).

Response to Arguments

Claims 11-20 have been amended to positively recite a medium readable by an information handling system. Therefore, the rejection of the claims based on 35 U.S.C. 101 has been withdrawn.

Applicant asserts that Hocker does not teach the step of "monitoring usage of an information handling system". The examiner respectfully disagrees.

The "general purpose computer system" of Hocker is equivalent to the "information handling system" of the instant application. The primary function of Hocker's invention is monitoring usage of the system. Applicant is directed to Hocker column 3 lines 34-44, where Hocker explicitly states that usage is monitored by the system (*"The VTT settings may be also be automatically determined by VTT software based on a user's past usage"*). Also, because the system taught by Hocker is write-once, all system activity is stored permanently, which is equivalent to monitoring usage of an information handling system.

Applicant further asserts that Hocker does not teach "generating a first representation corresponding to a first item of usage" and "generating a second representation corresponding to a second item of usage". The examiner respectfully disagrees.

When a user of Hocker's system utilizes the Virtual Time Tunnel functionality, representations of various versions of the data are generated for display. In one

embodiment, these "representations" are shown as "frames" in a slideshow of data (see column 5 lines 1-8; *"The time-varying data may be presented in the viewscreen 410 in several ways. In one embodiment, the data is presented as a "movie" or "slideshow", with the passage of time into the past or future represented graphically in the control area 440. The user can control the speed and direction of the presentation, as well as pause the presentation to examine any particular frame using standard play/pause/forward/reverse graphical icons 480"*). Furthermore, the system taught by Hocker is write-once, meaning that all recorded data and activity, including usage data, is stored permanently (see column 1 lines 32-49; *"by use of software that manages various file versions, for example the IBM High Performance Optical File System (HPOFS) with a novel GUI interface, access can now be gained to versions of functions, applications, databases, displayed information, files, etc. HPOFS stores versions of files, such as databases and application outputs, on write-once (WORM) optical media. A derivative of this file system could also be applied to Compact-Disk Recordable (CD-R) media, which is also write once. Write-once media cannot be overwritten, which makes it ideal for retaining unalterable versions of files"*). Therefore, the examiner maintains that Hocker teaches "generating a first representation corresponding to a first item of usage" and "generating a second representation corresponding to a second item of usage"

Applicant further asserts that Hocker does not teach "communicating an association of the first representation to the second representation so as to enable a

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determination of at least one of prior usage and current usage of an information handling system". The examiner respectfully disagrees.

In column 5 lines 9-32, Hocker teaches that in one embodiment of the invention, *"the viewscreen represents a tunnel in perspective in which time is represented along the length of the tunnel. Snapshots of data to be represented are visible in panels along the walls of the tunnel, analogous to paintings hanging in a long hallway. The user can control apparent motion back and forth through the tunnel, and can stop and click on any panel to view it in detail. The relative time may be represented by wall color, perhaps green for current time, red for future time, and grey for the past"*. It is clear in Hocker's invention that the representations are visually associated with each other by time. Also, as shown above, the "snapshots of data" taught by Hocker includes usage data because all system activity and changes are permanently recorded by the system.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Alvesteffer whose telephone number is (571) 270-1295. The examiner can normally be reached on Monday-Friday 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Stephen Alvesteffer
Examiner
Art Unit 2173

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10-3-2007
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